

**From:** Justin M.  
**To:** Microsoft ATR  
**Date:** 1/28/02 3:51am  
**Subject:** Microsoft Settlement

Dear Department of Justice,

It is going to take more than a slap on the wrist to stop Microsoft's anticompetitive actions and undo their consequences. I am convinced that the current proposed settlement is no more than just that. I do not see any real punishment here for Microsoft. I do not see any real opportunity for competitors to jump into the Intel-compatible operating system market, and I do not see anything that takes away the advantage Microsoft has given its products through anticompetitive means.

Described in the competitive impact statement, are parts of the Proposed Final Judgment which contain exceptions. I fear that Microsoft will find ways to use these exceptions to anticompetitive ends. For example, I feel that this proposal does not effectively curb Microsoft from using license termination as a threat to OEMs. It does not put restrictions on the kind of reasons that can be given for license termination, and it does not specify how long Microsoft must wait between license termination notices. I am sure that if I can find even one such loophole, lawyers can find many more.

I also wonder why only 20 OEM's are protected by this Proposed Final Judgment. It concerns me that a creative, smaller company can still have its innovations thwarted by Microsoft's anticompetitive practices.

More over, if this case is settled with a non-punitive arrangement, it will set a precedent that will allow Microsoft and other monopolistic bullies to get away with anticompetitive behavior DESPITE CONVICTION. This would make the Sherman Act and other antitrust laws ineffective, and would be a disservice to the American people.

Let's prove that the American justice system cannot be swayed by even the most powerful and richest individuals and corporations. This is what the Sherman Act and antitrust laws were written for.

Signed,

Jennifer Baer  
and  
Justin Montejano